

FILED 23 JAN '14 10:36 USDC-ORF

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

2:14 CV-0132-CL

Michael David Benson sr.
at all times was a prisoner of the
(Enter full name of plaintiff(s))
Oregon Department of Corrections.
Plaintiff(s),

Civil Case No. _____
(to be assigned by Clerk of the Court)

PRISONER CIVIL RIGHTS
COMPLAINT

v.

Catellie Peters, Mitch Miron, Mike Gower, Blackletter, Steve Shelton M.D., Bill Hoeftel, Heather Villan-
unva, Steve Franke, J. Taylor, Greenwood RVP, Spencer RVP, Norton M.D., Jane Doe RVPs, Hayes RV, D. -
Johnston RV, Cpl. Akers, % Stensrud, Capt. Emerson, Lt. DuBois, R. Pedro, W. MacMillen, Cpl. Bauer, J. Edison,
(Enter full name of ALL defendant(s))
D. Shotts, B. Akana, C. Clayton, % Beran, Archer, Jr. Jorgensen - Jane & John Doe's. % Short,
Defendant(s).

I.

- A. Have you brought any other action or appeal in a court of the United States while a prisoner?

Yes ☒No ☐

- B. If your answer to A is yes, how many? 1. Describe the lawsuit(s) in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit:

Petitioner
Plaintiff(s): Michael David Benson

Defendant(s): Steve Franke

2. Court: US District Court of Oregon
3. Docket Number: 2:12-cv-01099-MA
4. Name of judge to whom case was assigned: Marsh
5. Disposition (Was the case dismissed? Was it appealed? Is it still pending?)
still Pending states response to brief on appeal to my original convictions.
6. Approximate date of filing: May 2013
7. Approximate date of disposition: N/A

II.

A. Place of confinement: Snake River Correctional Institution

B. Is there a prisoner grievance procedure in this institution?

Yes ☒

No ☐

C. Have you filed a grievance concerning the facts relating to this complaint?

Yes ☒

No ☐

If your answer is no, explain why not:

D. Is the grievance process completed?

Yes ☒

No ☐

III. PARTIES

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff: Michael David Benson
 Security Identification No.: 7100852
 Address: 777 Stanton Blvd
Ontario, OR 97914

(In item B, place the full name of each defendant, his/her official position, and his/her place of employment.)

B. Defendant Collette Peters is employed as Director of Corrections
 at Oregon Dept of Corrections - 2575 Center St., Salem, OR 97301

Defendant Mitch Morrow is employed as Deputy Director of Corrections
 at "Same as above" - 2575 Center St., Salem, OR 97301

Defendant Mike Gower is employed as Asst. Director - Operations O.D.C.
 at "Same as above" - 2575 Center St., Salem, OR 97301

Defendant Blackear (?) is employed as Administrator - East Side Inst. O.D.C.
 at "Same as above" - 2575 Center St., Salem, OR 97301

Defendant Steve Shelton MD is employed as Medical Director - O.D.C.
 at "Same as above" - 2575 Center St., Salem, OR 97301

Additional defendants: Steve Franke (Superintendent O.R.C.), J. Taylor (Asst. Super of Security O.R.C.), Greenwald RVP (Medical), Spencer RVP (Medical), Johnston RVP (Medical), Hayes RVP (Medical), Akers (Capt. O.R.C.), Stensrud (Capt. O.R.C.), En Plott (Lt. T.R.C.), Pedro (Capt. T.R.C.), Everson (Capt. T.R.C.), McMiller (Lt. O.R.C.), Bauer (T.R.C. Cpl), D. Shotts (Counselor O.R.C.), Mary Jane & John Doe's (OTRC Security), Mary Jane & John Doe's (Medical D.D.C.) & (T.R.C.)

IV. STATEMENT OF CLAIM

Claim I

State what right under the Constitution, laws, or treaties of the United States has been violated. *This is a civil action authorized by 42 U.S.C. section 1983 to redress deprivation*

of the 8th & 14th amendments of the U.S. Constitution were violated under color of state law & against the laws & constitution of Oregon in their official & individual capacities did not prevent or protect me. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3) - The District of Oregon, County of Umatilla

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.) *Please see attached exhibits*

I spoke to capt. Alers, % Stensrud at T.R. In their individual and official capacities. I told them to tell Lt. Duflosh & Capt. Overman that Mr. Kenneth McPhail & I hated each other & that if they let us near one another it was "on sight" (meaning we would come to violence) I even told them Mr. McPhail had said he would stab me (He has a documented history) that I am going to all of them to prevent anything. They took no action, a few weeks later all of the "Senior Security" just happened to be having a meeting at the same time as they let Mr. McPhail out into the corridor with me, and then watched as we fought. They made no attempt to protect me, my life - nor Mr. McPhail's, especially when the security staff had weeks of prior notice. That incident is what led to the others.

There is no way they will allow me any access to information I would need - if it has not been destroyed they could have stopped my physical injury & the medical's ignoring of my injuries if they wanted to.

Claim II

State what right under the Constitution, laws, or treaties of the United States has been violated.

This is a civil action authorized by 42 U.S.C. section 1983 to redress deprivation of rights secured by the constitution of the United States under color of state law they violated the 8th & 14th amendments to the U.S. Constitution, as well as the constitution & laws of the State of Oregon. I was assaulted & battered etc. The Court has jurisdiction under 28 U.S.C. section 1331 and 1343(a)(3) - The District of Oregon, County of Umatilla.

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

① I cannot put crimes on each Security Staff at this time!
 On Jan. 24th, 2012 after staff failed to prevent or protect me from a fight - The fight was over, I was laying on my side on the concrete floor of (Two Rivers Correctional Institution) when it clearly shows on the video, that many security staff came running up from behind me & dropped onto me & began to assault & batter me. As I was face down on the floor, % short then sprayed me in the face for no reason at all - I could not see what anyone did except for Capt. Pedra who held my hair, % short who sprayed me, Lt. Bullock who screamed "Spray the f---er" - but there is at least one video as well as "memo's" They themselves wrote that contradict one another. I was then dragged to E.S.U. where Capt. Bauer, % Berman, tried to choke me - once with a hard plastic collar, once by smothering me into a bunk. There is a "hand held" video of all those events. They beat, stomped, dropped knees into my neck & spine, cut my clothes off severely injuring me. There are alot of people involved in this & information is hard for me to obtain. If it has not been destroyed, I do an Oregon State police report. I have exhaustion of legal remedies. **Claim III** and done all the Grievance & Tort system!
 ② See Exhibits

State what right under the Constitution, laws, or treaties of the United States has been violated. ~~This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation of rights secured by the Constitution of the United States in their official & individual capacities they under color of state law violated my 8th & 14th Constitutional Amendments, as well as Oregon State laws and constitution & their Medical acts. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3) - The District of Oregon - County of Umatilla~~

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

③ Please see exhibits
 After I was beat on Jan. 24, 2012 by Security Staff, I was told & given a direct order to "Move your head" & I was so badly beat my neck wouldn't move. At that point, a Johnston RR said - "Well you just denied medical treatment" I was then placed into a cell where all my clothing was cut off me in front of RR Hayes & RR Johnson as they could clearly see I needed to be taken to a hospital due to neck and spinal damage. (I was partially paralyzed) They then put me into a dark cell, then hours later came & put me in the prison infirmary for 3 days. Greenwald, Spencer, Norton, Steve Shelton all refused me proper medical treatment - failed to be aggressive with my sever pain & I am just now being told the damage done to my nerves & spine & neck. Once again - information on who did what is almost impossible to get & I was to extreme pain, but there once again should be video - I know there are medical records.

I continually asked, begged for help from medical - only to be rebuffed & done exactly what they are doing for me now. They were negligent to my serious medical needs & all showed deliberate indifference by knowing I was in need of medical care or they would not of dumped me on a bed in the infirmary for 3 days knowing I had prior medical issues.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

V. RELIEF

State briefly exactly relief you are seeking. Make no legal arguments. Cite no cases or statutes.

I want a complete MRI of my entire spine. I want whatever medical treatment is necessary regardless of cost even if it means multiple surgeries. I want all security staff involved at F.R.C. & Medical staff from F.R.C. that were involved - including Steve Shelton MD (D.O.C. Medical Director) & all others fired, and a criminal investigation done by the F.B.I. on all of them and the amount of inmates crippled by these people. I want "Nominal damages" in the amount of \$150,000⁰⁰. I want "Compensatory damages" in the amount of \$20,000⁰⁰ (plus future costs paid for treatment) & want "Punitive damages" in the amount of 2 million (2,000,000⁰⁰) dollars.

Signed this 20th day of January, 2014.

Michael B. B. B.

(Signature of Plaintiff(s))